

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ZEBADIAH HOLLAND,

Petitioner,

v.

DUNCAN MACLAREN,

Respondent.

CASE No. 13-CV-10267

HON. AVERN COHN

MEMORANDUM AND ORDER FOLLOWING IN CAMERA REVIEW

I.

This is a habeas case under 28 U.S.C. § 2254. Petitioner Zebadiah Holland is a Michigan state prisoner confined under a life sentence for first degree felony murder. In 2002, Petitioner filed a petition for writ of habeas corpus that was dismissed as untimely. In 2013, Petitioner filed a second petition. The petition was transferred to the Court of Appeals for the Sixth Circuit because it had not been authorized as required by 28 U.S.C. § 2244(b). The Sixth Circuit authorized Petitioner to file a second petition based on a claim of newly discovered evidence. See In Re Holland, Nos. 12-2552, 13-143 (6th Cir. July 11, 2013). Petitioner has filed an amended petition (Doc. 16) and Respondent has filed an answer (Doc. 28).

Petitioner, through appointed counsel, filed two motions for discovery and requested an extension of the briefing schedule. (Docs. 30, 34) Regarding discovery, Petitioner requested the personnel file of police officer Investigator Reginald Harvel, whom Petitioner says was responsible for taking a witness's statement and whom Petitioner says has a history of using illegal investigative techniques to obtain

incriminating statements from witnesses. The Court granted the motion. (Doc. 36). Respondent filed a motion for reconsideration, objecting to the production of police officer Harvel's personnel file and asked that the Court first review the file in camera prior to disclosure of any documents to Petitioner's counsel. (Doc. 38). Respondents contended that because of the personal and private nature of the material, the court should review it in-camera and determine whether any material in it relates to the Defendant's stated purpose for the discovery, and disclose that material to Holland (as well as the State). The Court granted the motion. (Doc. 41).

II.

Pursuant to the Memorandum and Order Granting Respondent's Motion for Reconsideration and Extending the Briefing Schedule, the Court has examined the personnel file of police officer Reginald Harvel. There is nothing in the file that relates to the Petitioner's stated purpose for the discovery. Nothing in the file suggests that police officer Harvel "has a history of using illegal investigative techniques to obtain incriminating statements from witnesses." Therefore, the file is unexceptional. No part of the file need be disclosed to Petitioner.

SO ORDERED.

S/Avern Cohn
UNITED STATES DISTRICT JUDGE

Dated: October 22, 2014
Detroit, MI

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, October 22, 2014, by electronic and/or ordinary mail.

S/Sakne Chami
Case Manager, (313) 234-5160